

COMMERCIAL

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Labs in 2 states will test rifle and bullet

By Marc Perrusquia
The Commercial Appeal

The .30-06 Remington rifle allegedly used to kill Dr. Martin Luther King Jr. will be test-fired next week in Rhode Island, a judge said in a tentative ruling Friday.

Final details will be worked out in a hearing Monday, but barring any unforeseen obstacles, the long-awaited tests will start Wednesday at the state crime lab in Kingston, R.I.

WHEN AND WHERE

- May 14-16: The .30-06 Remington is to be test-fired and the bullets examined at the Rhode Island State Crime Lab in Kingston.
- May 21-23: The bullet removed from King's body and test bullets will be examined at CamScan USA Inc.'s laboratory in Cranberry Township, Pa., north of Pittsburgh.

Criminal Court Judge Joe Brown said.

Defense attorneys claim the rifle was planted to frame convicted assassin James Earl Ray for King's 1968 murder in Memphis.

But prosecutor John Campbell said he expects the tests, like those in the past, will not exclude the rifle as the murder weapon.

"From all the firearms experts I've talked to, and I've

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from King assassination

talked to a lot of them, it indicate that the best that it can expect would be an inconclusive result," Campbell said.

"The prosecution's been saying that since 1969," said defense attorney Jack McNeil. "We feel that certainly this is worthwhile and something that should have been done a long time ago."

Defense attorneys plan to examine test-fired bullets and the slug removed from King's body under a high-magnification scanning electron microscope, or SEM.

Brown's order allows defense experts to fire the rifle at the Rhode Island crime lab, then examine bullets a week later under an SEM in Pennsylvania.

The Rhode Island site is being used because it is the home base of Robert A. Hathaway, a defense expert employed as a firearms and tool-mark examiner at the crime lab there.

Under the order, experts will fire a yet unspecified number of rounds Wednesday morning.

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It will be the first time the pump-action rifle has been fired since Congress reviewed King's murder in 1978. The rifle was found April 4, 1968, in a recessed doorway on South Main Street, a block from the Lorraine Motel where King was murdered on the balcony.

The test bullets will be examined in Rhode Island over the next three days under a conventional microscope.

On May 21, the bullet sam-

ples will be examined under a scanning electron microscope in Cranberry Township, Pa.

The prosecution intends to send its own firearms expert to Rhode Island to observe the testing. Prosecutors also reserve the right to conduct their own tests in June at a U.S. Fish and Wildlife Service laboratory in Oregon.

"If they come up with something earthshaking, then obviously we'd want to have it looked at," Campbell said. "I don't expect anything . . . earthshaking."

Tests by the FBI in 1968 and the House Select Committee on Assassinations in 1978 could not conclusively match the death slug to the rifle.

The problem involved the idiosyncrasies of the rifle that Ray, now 69, purchased in Birmingham days before the assassination.

Many guns leave unique marks on bullets that, like fingerprints, allow investigators to identify the weapon to the exclusion of others. But occasionally a firearm does not leave consistent markings — and that was the case with the Remington rifle.

Firearms experts working for Congress found that 10 test bullets they fired from the gun had different markings. They could not match the bullets by

their markings to the rifle even though they witnessed the bullets' being fired from the gun.

However, the tests showed the bullets had general markings consistent with coming from a Remington 30-06 rifle.

For that reason, Campbell contends, new tests will not exclude the rifle in evidence as the murder weapon.

An SEM can magnify an object more than 100,000 times, while standard light microscopes typically magnify 50 to 100 times. But the device will not resolve the matter, a member of the congressional panel said in a recent interview.

Monty Lutz, unit leader of the firearms forensic identification section at the Wisconsin State Crime Lab in Milwaukee, said the high magnification may reveal only pores and imperfections in the bullet's metal and not the markings left by the rifle.

But McNeil said the scanning electron microscope is worth a try and possibly might exclude the evidence rifle.

"That's up to the experts," he said. "That's up to the new technology."

Although McNeil said this week the SEM may not be ready until next month, it will be ready by the end of next week, said Anthony Owens, vice president of CamScan USA Inc. in Cranberry Township, Pa.

"Nobody's dragging their feet," Owens, 40, said in a telephone interview.

CamScan operates a laboratory about 45 minutes north of Pittsburgh. An SEM has been in place there since August, Owens said. The firm is adding a motorized bullet stage that will grip and maneuver bullet

samples inside the microscope's steel chamber, he said.

The bullet stage will cost a "couple thousand" British pounds, or about \$3,200, Owens said. CamScan is a sales and service representative for CamScan Analytical of the United Kingdom, where the microscopes are built. They cost from \$75,000 to \$250,000, Owens said.

The Pennsylvania lab conducts analyses for clients that include steel companies, manufacturers concerned with failure analysis and food companies.

Owens said he has looked at bullets under the microscope before but "not in actual case work." Defense firearms experts will conduct the King bullet analysis.

To reach reporter Marc Per-rusquia, call 529-2545.